

REMARKS

Applicants respectfully request reconsideration of this application in view of the following remarks.

Status of the Claims and Rejections

Claims 26-103 are pending in this application, and have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. PG Pub No. 2004/0019558 to MacDonald et al. ("MacDonald") in view of U.S. Patent No. 7,039,805 to Messing ("Messing").

In rejecting the claims, the Office Action indicates that MacDonald teaches each and every elements except for "receiving an electronic signature indicating approval of the preliminary compiled at least one form electronic document." Messing is then cited as disclosing the missing element in MacDonald. The Office Action further indicates that "it would have been [sic] to one of ordinary skill in the art ... to modify the MacDonald et al's inventive concept in include Messing's invention of receiving an electronic signature ... because this would have created a more agile system." (page 3 of the Office Action)

Applicants respectfully traverse the 35 U.S.C. § 103(a) rejection of claims 26-103. MacDonald and Messing, whether taken singly or in combination, do not teach, disclose or suggest each and every element of these claims. Accordingly, a rejection for obviousness is improper.

First, it is respectfully noted that a motivation to combine the cited references must have been present in the prior art. Motivations that arise from the inventor's disclosure or later acknowledgement of others cannot be used in a rejection. Since the rejection does not cite anywhere in the prior art where such motivation comes from, it must be presumed that the alleged motivation comes from somewhere other than the prior art and use of that motivation is improper and prejudicial. For this reason alone, the obviousness rejections should be withdrawn.

Notwithstanding the problems with the recited "motivation," the obviousness rejections are overcome and traversed on the merits as follows.

Each of the rejected independent claims (i.e., claims 26, 65, 72, 78, 84, 89, 91, 93, 99, 100 and 103) requires the use of electronic signatures to provide approval of electronic forms. For instance, claims 26, 65, 78 and 103 each recites "receiving an electronic signature indicating approval of the preliminary compiled at least one form electronic document." Independent claim 72 recites "indicating approval with an electronic signature of a preliminarily compiled at least one form electronic document." Similarly independent claim 84 recites "receiving an electronic signature indicating approval of the preliminarily compiled funds document." Independent claim 89 recites "code to receive an electronic signature indicating approval of the preliminarily compiled at least one form electronic document." Independent claim 91 recites "code to receive an indication of approval of said preliminarily compiled at least one form electronic document with an electronic signature." Independent claim 93 recites "receiving an electronic signature indicating approval of the digitally scanned image of at least one ancillary document." Independent claim 99 recites "indicating approval with an electronic signature of the digitally scanned image of at least one ancillary document." Independent claim 100 recites "receiving an electronic signature indicating approval of the at least one ancillary document in combination with said compiled at least one form electronic document."

As recognized by the Examiner, MacDonald "fails to teach receiving an electronic signature indicating approval of the preliminary compiled at least one form electronic document." Applicants respectfully submit that MacDonald does not discuss the use of electronic signatures, let alone the use of such electronic signatures in order to provide an approval of electronic forms. The disclosed system of MacDonald merely teaches the printing out and explaining of the necessary forms to the buyer or borrower. The buyer or

borrower then signs the printed out copies of the forms. See, e.g, paragraphs 0076, 0106, 0137, 0167, 0197, 0218 of MacDonald. Applicants respectfully submit that in MacDonald the disclosed system of manually signing hard copy documents that have been printed out fails to disclose receiving an electronic signature as approval of an electronic document or compiled funds document, as recited in independent claims 26, 64, 65, 72, 78, 84, 89, 91, 93, 99, 100 and 103 of the present invention.

Messing discloses an electronic signature program to create an electronic signature for documents, flings, and transactions records effectuated between computers. The Examiner states that Messing "teaches receiving an electronic signature indicating approval of the preliminary compiled at least one form electronic document." The Office Action cites col. 2, lines 5-35, col. 3 line 55 - col. 4, line 26 of Messing for the basis of this rejection. However, Applicants respectfully disagree that Messing including the cited portions contains such teaching. As Applicants understand it, however, the cited portions of Messing merely disclose the authentication of an electronic signature itself as opposed to the approval of an electronic document as required by the claims of the present invention.

Independent claims 26, 65, 78, 84, 93, 100 and 103 each recites "receiving a digitally scanned image of at least one ancillary document." Independent claims 89 and 91 each recites "code to receive a digitally scanned image of at least one ancillary document." Independent claims 64, 72 and 99 each recites "inputting a digitally scanned image of at least one ancillary document." Applicants respectfully submit that neither MacDonald nor Messing teach or suggest receiving or inputting a digitally scanned image of at least one ancillary document, as recited in independent claims 26, 64, 65, 72, 78, 84, 89, 91, 93, 99, 100 and 103. There is simply nothing in the cited references that teaches this aspect of invention as described herein.

Accordingly, Applicants respectfully submit that independent claims 26, 64, 65, 72, 78, 84, 89, 91, 93, 99, 100 and 103 are distinguishable over the cited art, for at least the reasons discussed above, and therefore allowable.

Reconsideration and withdrawal of the rejections of claims 26, 64, 65, 72, 78, 84, 89, 91, 93, 99, 100 and 103 under 35 U.S.C. §103(a) is respectfully requested.

Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. However, these statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art.

Applicants have not individually addressed the rejections of the dependent claims because Applicants submit that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicants however reserve the right to address such rejections of the dependent claims should such be necessary.

Applicants believe that the application is in condition for allowance and such action is respectfully requested.

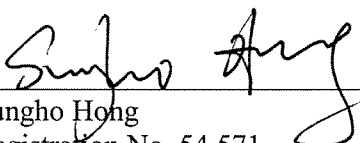
AUTHORIZATION

A petition for a three-month extension of time along with the associated fee is enclosed, extending the date for responding until August 7, 2007. Should an additional extension of time be required to render this paper timely filed, such extension is hereby petitioned and the Commissioner is authorized to charge any other fees necessitated by this Amendment, or credit any overpayment to our Deposit Account No. 13-4500 (Order No. 4593-4000). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED. An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: August 7, 2007

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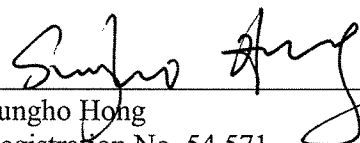
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